



**DEPARTMENT OF THE ARMY**  
**GALVESTON DISTRICT, CORPS OF ENGINEERS**  
Corpus Christi Regulatory Field Office  
5151 Flynn Parkway, Suite 306  
Corpus Christi, Texas 78411-4318

May 4, 2011

REPLY TO  
ATTENTION OF:

Corpus Christi Regulatory Field Office

SUBJECT: Permit – SWG-2010-01047

Texas Parks and Wildlife Department  
ATTN: J. Dale Shively  
4200 Smith School Road  
Austin, TX 78744-3291

Dear Mr. Shively:

The above numbered permit has been approved and a signed copy is enclosed for your retention.

Also enclosed are ENG Form 4336 and a copy of "Notice to Permittee" which provides important information for permit administration. Please notify the District Engineer, in writing, upon completion of the authorized work. A pre-addressed postcard has been enclosed for your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd Mullins".

Lloyd Mullins, Supervisor  
Corpus Christi Regulatory Field Office

Enclosures

To assist us in improving our service to you, please complete the survey found at:  
<http://per2.nwp.usace.army.mil/survey.html>

DWH-AR0220056

DEPARTMENT OF THE ARMY PERMIT

Permittee Texas Parks and Wildlife Department

Permit No. SWG-2010-01047

Issuing Office Galveston District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: To create an artificial reef in the Gulf of Mexico, in State Tract 775. Concrete culverts and other forms of concrete of approximately 1 ton in size, obsolete oil and gas production structure legs, obsolete or surplus vessels and other approved artificial reef materials will be placed within the confines of a designated 2,640-foot by 2,640-foot area. The project will be conducted in accordance with the attached plans, in 3 sheets.

Project Location: In the Gulf of Mexico at the Outer Continental Shelf Block Mustang Island (State Tract) 775, approximately 10.6 miles east of Packery Channel in the Corpus Christi area, Nueces County, Texas in 73 feet of water.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on 31 December 2016. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
2. The permittee shall supply written notification to the U.S. Coast Guard (USCG), Waterways Management Division 60 days prior to the installation of structures placed near Federal Fairways or Anchorage areas. This notification will include the date the work is expected to begin, a construction timeline, and contact information of the site supervisor. Additionally, the permittee will again telephonically notify the USCG 48 hours before construction begins to verify the start date and issue a notice to mariners. A copy of all notifications required by this special condition will be also sent to the Corpus Christi Regulatory Field Office.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - (X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (Sec 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

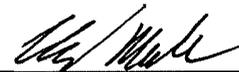
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

**J. DALE SHIVELY**  
**TEXAS PARKS AND WILDLIFE DEPARTMENT**

2 MAY 2011  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
(DISTRICT ENGINEER)

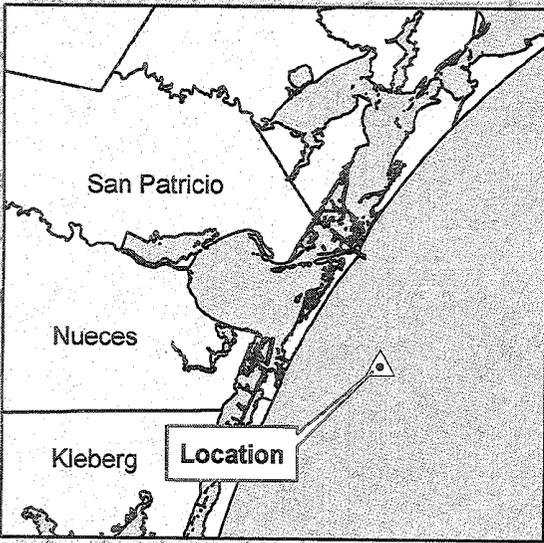
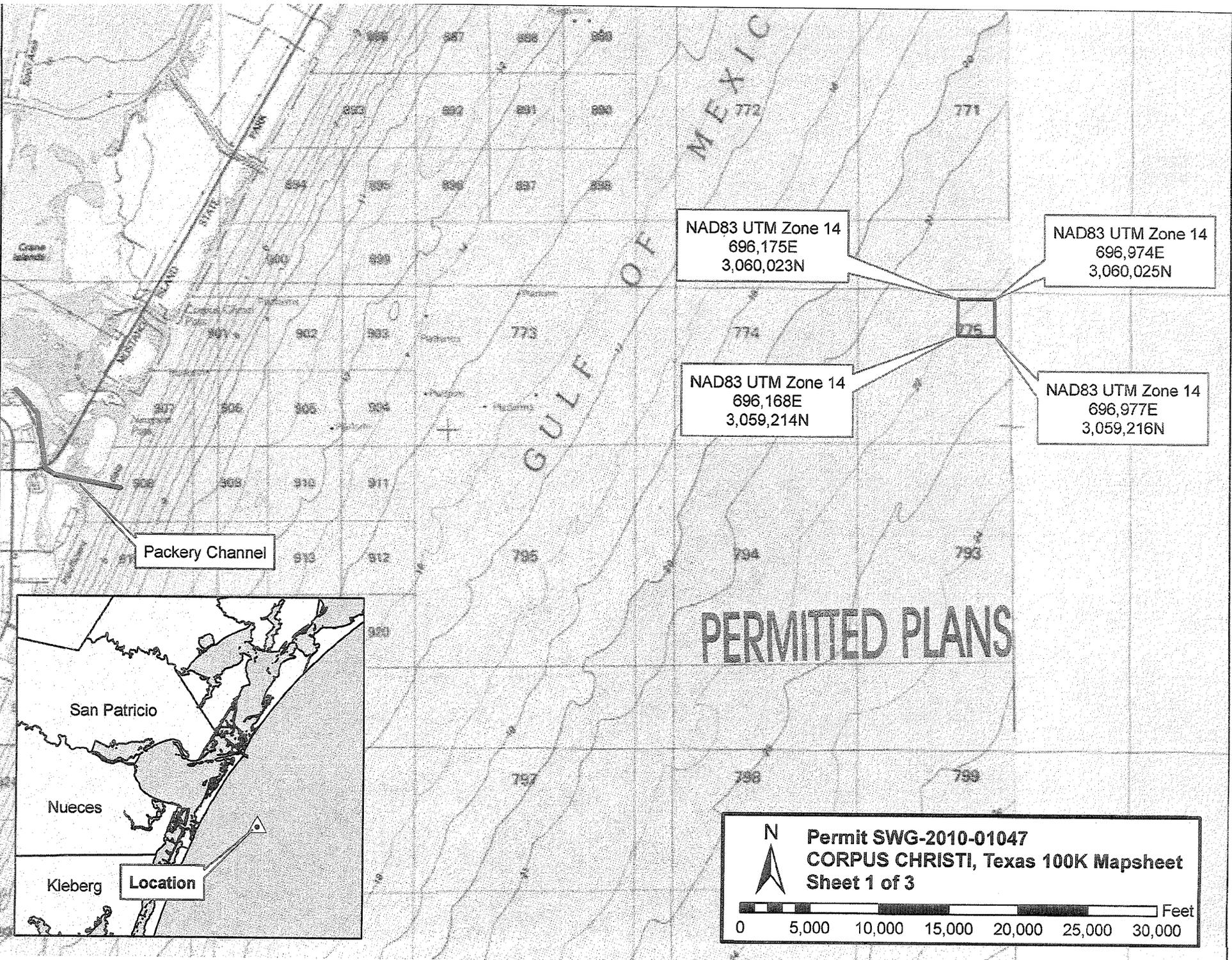
**LLOYD MULLINS, SUPERVISOR**  
**CORPUS CHRISTI REGULATORY FIELD OFFICE**  
**FOR COLONEL CHRISTOPHER W. SALLESE**

5-4-11  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

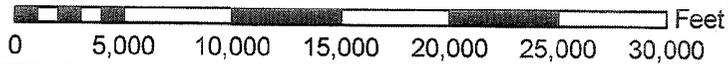
\_\_\_\_\_  
(TRANSFEE)

\_\_\_\_\_  
(DATE)

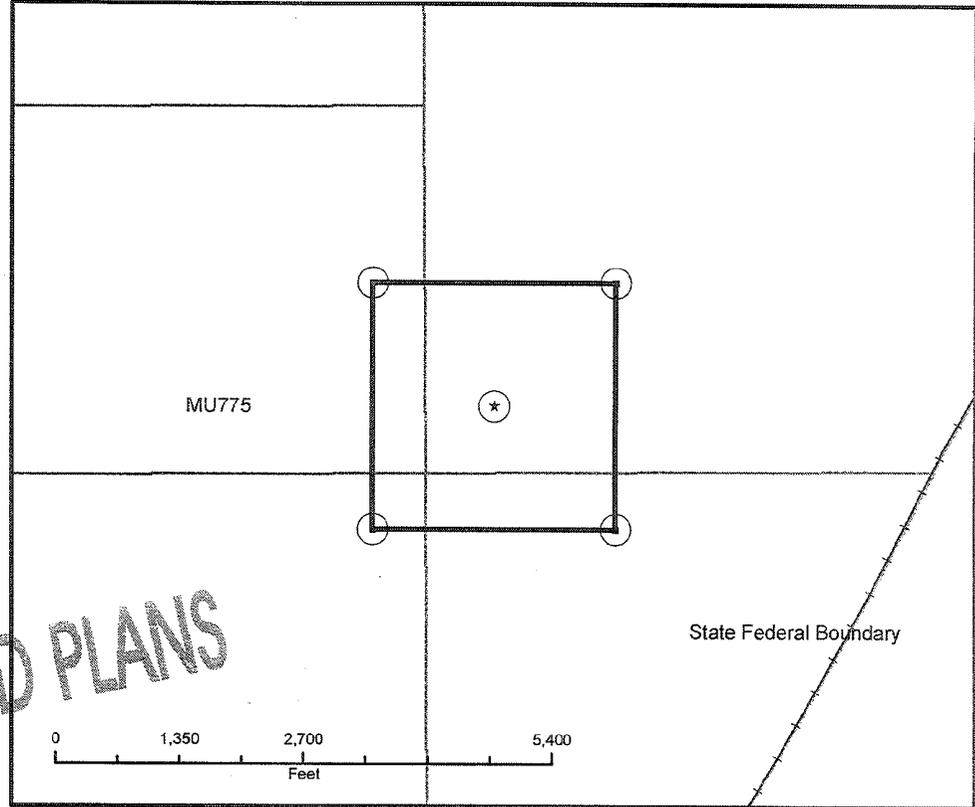
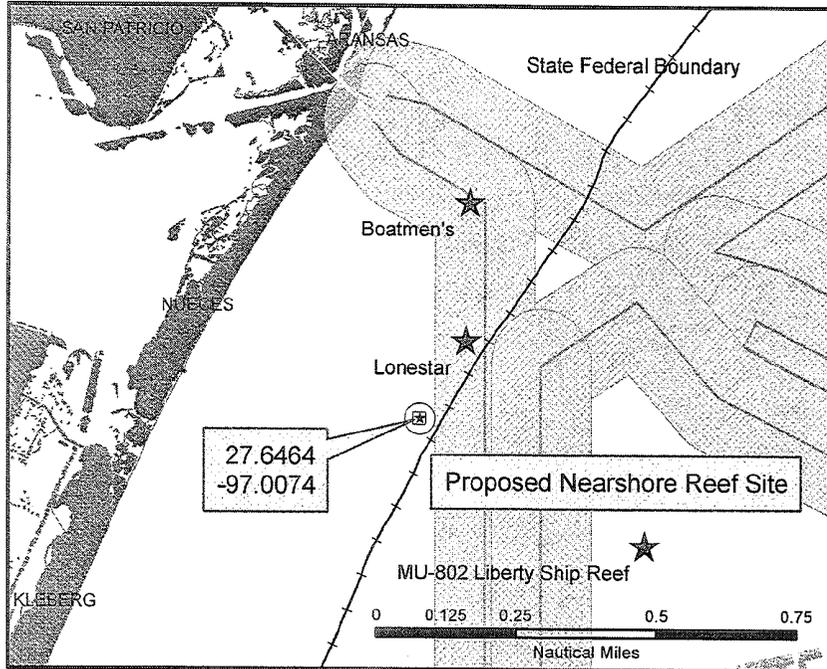


**PERMITTED PLANS**


**Permit SWG-2010-01047**  
**CORPUS CHRISTI, Texas 100K Mapsheet**  
**Sheet 1 of 3**


 0 5,000 10,000 15,000 20,000 25,000 30,000 Feet

# Proposed Corpus Christi Nearshore Reef Site Mustang Island (MU-775)



**Nearest Point to Point Distances:**

Safety Fairways: 2.32 Nautical Miles  
 Oil and Gas Pipelines: 0.55 Nautical Miles  
 State and Federal Boundary: 0.76 Nautical Miles  
 Obstruction or Platform: 10.9 Nautical Miles

PERMITTED PLANS

	Depth (feet)	DD NAD83 LAT	DD NAD83 LONG	DD NAD27 LAT	DD NAD27 LONG	SPSC NAD83 X	SPSC NAD83 Y	SPSC NAD27 X	SPSC NAD27 Y
Midpoint	73	27.6464	-97.0074	27.6461	-97.0072	2613761.0269	13060852.1198	2645360.3677	-62590.6826
NW Corner	73	27.6501	-97.0114	27.6498	-97.0112	2612441.0269	13062172.1198	2644040.3744	-61270.6901
NE Corner	73	27.6500	-97.0033	27.6497	-97.0030	2615081.0269	13062172.1198	2646680.3894	-61270.6760
SE Corner	72	27.6427	-97.0034	27.6424	-97.0032	2615081.0269	13059532.1198	2646680.3607	-63910.6750
SW Corner	73	27.6428	-97.0116	27.6425	-97.0113	2612441.0269	13059532.1198	2644040.3462	-63910.6894

Geographic Coordinates (Decimal Degrees) and State Plane Texas South Central FIPS\_4204 in NAD27 and NAD83 (Feet).

### Legend

- Proposed 160 Acre Site
- ★ Current ARP Reef Sites
- Safety Fairways
- ▨ 2NM Fairway Buffer
- +— State/Federal Boundary
- ⊛ Reef Site Control Points

Texas Parks and Wildlife Department  
 Coastal Fisheries - Artificial Reef Program

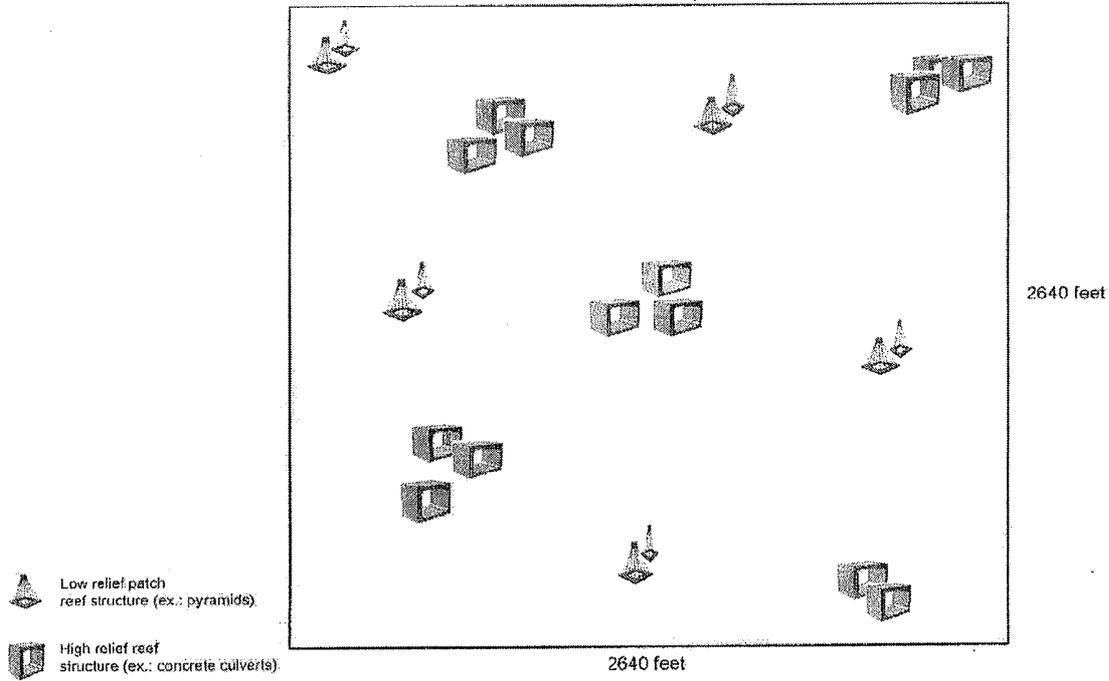
November 3, 2010  
 Submitted to: J. Dale Shively, Program Leader  
 Prepared by J. Brooke Shipley, PhD

PERMIT SWG-2010-01047 Sheet 2 of 3

# Proposed Corpus Christi Nearshore Reef Site Mustang Island (MU-775)

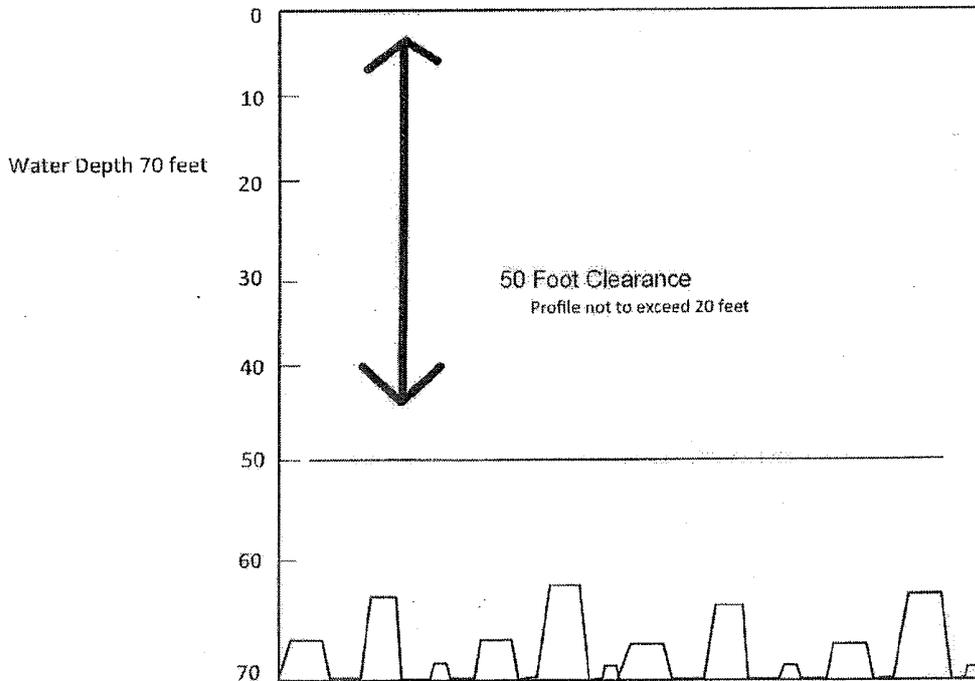
## Detail of Artificial Reef Materials

Proposed Area = 160 acres



Permit SWG-2010-01047 Sheet 3 of 3

## Detail of Profile of Artificial Reef Materials



PERMITTED PLANS